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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/698,729

10/27/2000

Brandon Camp

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11/09/2006

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EXAMINER

TANG, KENNETH

ART UNIT

PAPER NUMBER

2195

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/698,729

Applicant(s)

CAMP ET AL.

Examiner

Kenneth Tang

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


MENG-AL T. AN
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Klein and Bowman-Amuah do not teach or suggest the batch framework comprises a batch dispatcher class, and the batch dispatcher class comprises a method to execute the batch job. However, Bowman-Amuah teaches throughout the reference of the batch framework consisting of classes such as an abstract class that comprises logic to execute the batch job (col. 194, lines 35-55, col. 195, lines 22-32). Applicant argues that it is not taught or suggested that the batch framework is involved according to a predetermined schedule. Applicant doesn't define predetermined schedule in the Specification. Therefore, the broadest reasonable interpretation of the plain meaning is used and is merely a schedule determined before execution. This was already shown in the office action and is also found in Bowman-Amuah, col. 194, lines 54-55, etc. Applicant argues that Klein nor Bowman-Amuah teach using a command line parameter to invoke a batch framework. However, Klein (col. 15, lines 11-12) and Bowman-Amuah (col. 107, lines 35-41) teach this limitation. Applicant argued that the parameters in Klein is not the same thing as a command line parameter. However, the parameters are typed or inputted into the command line parameter of the UNIX prompt, for example. Applicant argues that a uniform API may be in either a synchronous or an asynchronous communication format. However, this limitation is not in the claims. Applicant does not provide any definition or description of what a uniform API is in the Specification, and therefore, the broadest reasonable interpretation of a uniform API is merely a generic API. Applicant has not provided any facts or evidence in suggesting that a uniform API is specifically defined to be able to be in synchronous or asynchronous communication format. But regardless, Bowman-Amuah shows that the API allows for either asynchronous or synchronous communications (col. 97, lines 1-25, etc.). As shown above, Bowman-Amuah teaches throughout the reference of the batch framework consisting of classes such as an abstract class that comprises logic to execute the batch job (col. 194, lines 35-55, col. 195, lines 22-32). Applicant describes Fig. 1A to show that API wraps the batch jobs, thereby separating the batch jobs from the classes in the batch framework. However, the separating of the batch jobs from the classes in the batch framework is not claimed. Applicant argues that the references do not teach encapsulating the batch job using an API. However, Bowman-Amuah teaches batch processing that can use an API for communication (col. 96, lines 56-67 through col. 97, lines 1-41). Applicant argues that the API and the batch job remain individual components for communication between the batch job and the batch framework, as shown in Figure 1A. However, again, this limitation is not claimed.